

REMARKS

Applicant's attorney is appreciative of the interview granted by Examiners Betton and Padmanabhan on May 28, 2009. At that interview, Applicant's attorney presented arguments for the patentability of the claims, and several questions were raised concerning the relevance of the references. It is the purpose of this paper to provide answers to the questions raised.

In particular, it was pointed out at the interview that Cooper et al states that free amines are known to possess skin irritating properties, but that these properties are eliminated if a composition is used which exhibits a pH value which is the range of vaginal pH.

Submitted herewith is a Declaration Under 37 CFR 1.132 by the inventor Michael Porat. Mr. Porat describes the pH of the vagina as being unstable, and varying between 3.8 and 7.8.

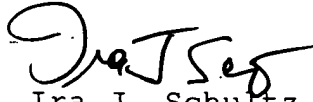
Mr. Porat also tested the pH of various lubricant and contraceptive products, and found each to be in an approximately neutral range of 6.6-7.2.

From column 11, lines 6-8 of the Cooper et al patent, it can be seen that the pH of the compositions tested was between 4.5 and 7.2, both compositions being within known vaginal pH.

From the declaration, it is clear that ulceration occurs with products at approximately neutral pH, and that pH is not the determinative factor in ulceration.

Applicant has discovered that ulceration is created by aggressive chemical compounds such as nonoxynol-9 and benzalkonium chloride, and further, by the fungus *candida* that multiplies in the absence of the lactobacillus which is destroyed by known microbicides. Because of this phenomenon discovered by Applicant, it is important to prevent multiplication of the fungus by incorporating effective amounts of fungicides in lubricant products. In light of the information contained in this declaration, and the discussion at the interview, Applicant once again requests withdrawal of the rejection of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ira J. Schultz". The signature is fluid and cursive, with the first name "Ira" being more prominent.

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